

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL HEREDIA,

Defendant.

Case No. 16-CR-184-JPS

**ORDER**

On November 15, 2016, the government filed a single-count indictment against the defendant, charging him with escaping custody at an institutional facility where he was confined upon his conviction of a felony, in violation of 18 U.S.C. § 751(a). (Docket #8). On January 19, 2017, the parties filed a plea agreement indicating that the defendant agreed to plead guilty to the Indictment. (Docket #15 at 2).

The parties appeared before Magistrate Judge David E. Jones on January 31, 2017, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #17). The defendant entered a plea of guilty as to Count One of the Indictment. *Id.* After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Jones determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #17 and #18).

Thereafter, Magistrate Jones filed a Report and Recommendation with this Court, recommending that: (1) the defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) the defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #18).

Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection.

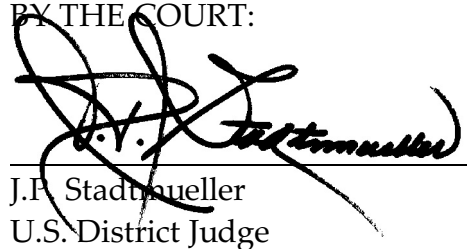
The Court has considered Magistrate Jones' recommendation and, having received no objection thereto, will adopt it.

Accordingly,

**IT IS ORDERED** that Magistrate Judge David E. Jones' report and recommendation (Docket #18) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 16th day of February, 2017.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge